

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
In Open Court
USDC, Mass.
Date 7-29-05
By OG
Deputy Clerk

UNITED STATES OF AMERICA

v.

CRIM. NO. 04-10010-PBS

MATTHEW DWINELLS

MOTION FOR JUDGMENT OF ACQUITTAL

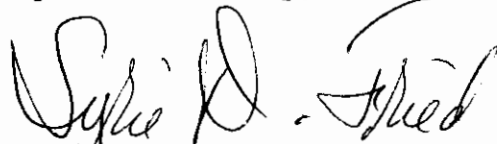
The defendant Matthew Dwinells moves this Court for a judgment of acquittal on all counts of the indictment. The defendant makes this motion pursuant to Rule 29(a) of the Federal Rules of Criminal Procedure. The defendant submits that the evidence is insufficient for the jury to conclude beyond a reasonable doubt that he knew he was chatting with minors. The government's evidence was that people occupying chat rooms and engaging in instant messaging on the internet could and do use false identities. In fact, all the evidence in this case was that the people with whom the defendant chatted, i.e., law enforcement agents, were adults posing as underaged girls. The defendant further submits that the evidence is insufficient to prove that he took a substantial step toward committing the substantive offense, and that the evidence in this case shows at best mere preparation.

8/2/05 - Denied Pursuant to Sanus

For these reasons, this court should enter judgments of acquittal on all counts of the indictment.

Respectfully submitted,

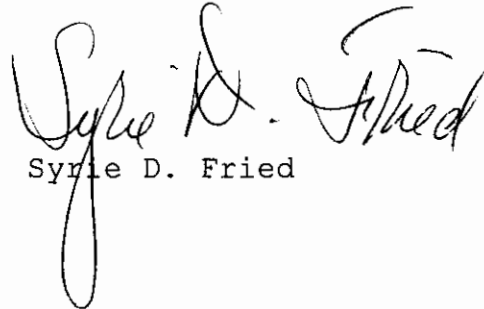
By his attorney,



Syrie D. Fried
B.B.O. #555815
Federal Defender Office
408 Atlantic Ave., 3rd Floor
Boston, MA 02210
Tel: 617-223-8061

CERTIFICATE OF SERVICE

I, Syrie D. Fried, do hereby certify that a copy of the foregoing motion was served by hand upon Assistant United States Attorney Donald Cabell on July 29, 2005.



Syrie D. Fried